

Exhibit H

November 4, 2020 email from Plaintiffs' counsel to Defendants' counsel responding to letter of November 3, 2020

From: [Joshua D. Smith](#)
To: [Colin M. Knoer](#); [Robert Knoer](#)
Cc: [Max Gershenoff](#)
Subject: RE: GEICO v. Strut - discovery issues
Date: Wednesday, November 4, 2020 10:46:19 AM
Attachments: [image146cb7.PNG](#)
[image2dfcbc.PNG](#)

Colin and Bob,

We have reviewed your November 3, 2020 correspondence and respond as follows:

1. Given your representation that you will limit your request regarding GEICO's internal practices and procedures to only those practices and procedures applicable to claims filed by RES, we will confer with our client regarding production of the relevant "claims manual" and get back to you shortly;
2. Any report submitted by GEICO to DFS or the Superintendent was included in GEICO's October 30, 2020 production;
3. GEICO has not withheld or redacted any documents based upon confidentiality, trade secrets, or proprietary information. Should GEICO withhold any documents in the future based upon these objections, we will provide an appropriate privilege log;
4. With respect to "expert privilege," to the extent that GEICO employees reviewed claims in the ordinary course of business, those individuals are identified in the claims file and investigative files, which GEICO has already produced;
5. Regarding "work product" and "attorney client privilege," please forward a draft of the previously discussed stipulation obviating the need for a privilege log for certain privileged documents, so that we may review and execute;
6. Regarding any "relevance" objections, as discussed above, we will confer with our client regarding production of the relevant "claims manual" and get back to you shortly; and
7. Regarding your Fed R. Civ. P. 34(b)(2)(c) concerns, to the extent GEICO responded to Defendants' Document Requests by indicating that it would produce relevant, non-privileged documents, we have not withheld any documents. To the extent that GEICO objected to Defendants' Document Requests and did not offer to produce documents, we are withholding documents based upon the stated objection(s).

We have considered the rest of your objections and find them to be without merit. We will respond to them accordingly in the event of a motion.

Best,
Joshua

Please note to reduce the quantity of paper coming into our offices during the Coronavirus crisis when our staff is working remotely, we request that all communications with this office should be through electronic means. Your cooperation is appreciated.



Joshua D. Smith

Partner

926 RXR Plaza, Uniondale, NY 11556-0926

D 516.357.3246 T 516.357.3000 F 516.357.3333

Joshua.Smith@rivkin.com

www.rivkinradler.com



[Follow Rivkin Rounds for Health Law Updates](#)

From: Colin M. Knoer <cknoer@knoergroup.com>

Sent: Tuesday, November 3, 2020 4:59 PM

To: Max Gershenoff <Max.Gershenoff@rivkin.com>; Joshua D. Smith <Joshua.Smith@rivkin.com>

Cc: Robert Knoer <rknoer@knoergroup.com>

Subject: [EXTERNAL] GEICO v. Strut - discovery issues

Max and Joshua,

Please find attached correspondence laying out the outstanding objections to GEICO's responses

Colin M. Knoer, Esq.

THE KNOER GROUP, PLLC

424 Main Street, Suite 1820

Liberty Building

Buffalo, New York 14202

Phone: (716) 332-0032

E-mail: cknoer@knoergroup.com

CONFIDENTIALITY NOTICE: This electronic communication is intended to be viewed only by the recipient to whom it is addressed. This transmission may contain confidential information which is protected by attorney-client privilege. If you have received this communication in error please reply to sender indicating the error and delete any copies from your computer. Any disclosure, copying, distribution or the taking of any action in reliance on the message is strictly prohibited.

NOTICE: This message may contain information that is confidential or privileged. If you are not the intended recipient, please advise the sender immediately and delete this message. See: <http://www.rivkinradler.com/disclaimer-electronic-communications/> for further information on confidentiality.